

REMARKS/ARGUMENTS

This communication is responsive to the Office Action mailed 3 May 2007, as extended by payment of extension of time fees under 37 CFR § 1.136(a).

Claims 1-10, 13, 18-25 and 28-31, 33 and 34 were pending prior to this paper. In this paper, the Applicant has cancelled claims 1 and 8; amended claims 2-7, 9, 10, 13, 18-20, 24, 28-30 and 33; and added new claims 35 and 36. Applicant submits the amendments to claims 2-7, 9, 10, 13, 18-20, 24, 28-30 and 33 are completely supported by the application as originally filed and add no new matter. Claims 2-7, 9, 10, 13, 18-25, 28-31 and 33-36 are currently pending.

Claims 9, 10, 13, 18, 22-25, 28-31, 33 and 34

The Examiner rejected claim 18 under Section 102(b) as being anticipated by Futerman (US Patent No. 4,362,199). Claim 18 has been amended into independent form by incorporating the features of previously pending independent claim 8. Claim 18 has also been amended to recite further particulars of the manner in which the reinforcing threads or tapes are grouped with the scrim tapes. The Applicant submits that claim 18 (as amended) patentably distinguishes Futerman. Claims 9, 10, 13, 22-25, 28-31, 33 and 34 depend from claim 18 and are submitted to patentable for at least this reason.

As understood, Futerman discloses a flexible container structure having reinforcing yarns woven into select areas of a base fabric formed of body yarns. The reinforcing yarns extend in the load bearing direction. Futerman discloses the specifics of the weave in Figures 6 and 7 and in the accompanying description at col. 6, lines 49-65. The Futerman reinforcing yarns (37) have a width that is thinner than that of the warp threads (36) and the weft threads (35). The Futerman reinforcing yarns (37) are woven into the fabric by being placed atop warp threads (36). Futerman specifically discloses that “[t]his has been found to be an advantageous arrangement as it allows the reinforcing threads to spread the load during lifting more evenly along the length of the reinforced areas on the container owing to the said threads being able to move to some extent relative to the body yarns” – col. 6, lines 59-65.

In contrast, claim 18 (as amended) recites “wherein said scrim further includes reinforcing threads or reinforcing tapes grouped with at least some of said scrim tapes, such that

for each group comprising a scrim tape and one or more reinforcing threads or reinforcing tapes, the reinforcing thread is woven in a substantially parallel side-by-side abutting relationship with, and in the same weaving path as, the scrim tape. Futerman fails to teach or suggest this claim 18 feature. More particularly, Futerman does not disclose grouping scrim tapes and reinforcing tapes to provide a “side-by-side abutting relationship” between the reinforcing tapes and the scrim tapes. In direct contrast to this claim 18 feature, Futerman teaches that the reinforcing threads (37) are woven atop the warp threads (36) and are provided with a thinner width to facilitate movement of reinforcing threads (37) relative to the body fabric (35, 36).

Based on this reasoning, the Applicant submits that claim 18 patentably distinguishes Futerman and the other prior art of record. Claims 9, 10, 13, 22-25, 28-31, 33 and 34 depend from claim 18 and are submitted to patentable for at least this reason.

Claims 19-21

The Examiner rejected claim 19 under Section 102(b) as being anticipated by Futerman. Claim 19 has been amended into independent form by incorporating the features of previously pending independent claim 8. Claim 19 has also been amended to recite further particulars of the manner in which the reinforcing threads or tapes replace selected scrim tapes. The Applicant submits that claim 19 (as amended) patentably distinguishes Futerman. Claims 20 and 21 depend from claim 19 and are submitted to patentable for at least this reason.

As discussed above, the Futerman reinforcing yarns (37) have a width that is thinner than that of the warp threads (36) and the weft threads (35). The Futerman reinforcing yarns (37) are woven into the fabric by being placed atop warp threads (36). Futerman specifically discloses that “[t]his has been found to be an advantageous arrangement as it allows the reinforcing threads to spread the load during lifting more evenly along the length of the reinforced areas on the container owing to the said threads being able to move to some extent relative to the body yarns more readily than is possible with a plain weave.” Column 6, lines 59-65.

In contrast, claim 19 recites “wherein said scrim further includes reinforcing threads or reinforcing tapes replacing at least some of said scrim tapes, such that for each scrim tape replaced by a reinforcing thread or a reinforcing tape, the reinforcing thread or reinforcing tape

abuts in a substantially parallel side-by-side relationship to the tapes on its adjacent sides.”

Futerman fails to teach or suggest this claim 19 feature. More particularly, Futerman does not disclose replacing scrim tapes with reinforcing tapes wherein the reinforcing tapes are in woven into a “side-by-side abutting relationship” with the tapes on either side. In direct contrast to this claim 19 feature, Futerman teaches that reinforcing threads (37) are provided with a thinner width (than warp threads (36) or weft threads (35)). This thinner width of the Futerman reinforcing threads (37) provides space between reinforcing threads (37) and the body fabric (35, 36) which is necessary to facilitate movement of reinforcing threads (37) relative to the body fabric (35, 36). This thinner width of the Futerman reinforcing threads (37) necessarily means that the Futerman reinforcing threads (37) do not abut in a substantially parallel side-by-side relationship to the tapes on its adjacent sides as recited in claim 19.

Based on this reasoning, the Applicant submits that claim 19 patentably distinguishes Futerman and the other prior art of record. Claims 20 and 21 depend from claim 19 and are submitted to be patentable for at least this reason.

Claims 2-7 and 35

The Applicant has added new claim 35 and has amended claims 2-7 to depend from claim 35. Claim 35 is based on previously pending claim 1 and has been amended to recite features similar to those of claim 18. More particularly, claim 35 recites “wherein said scrim further includes reinforcing threads or reinforcing tapes grouped with at least some of said scrim tapes, such that for each group comprising a scrim tape and one or more reinforcing threads or reinforcing tapes, the reinforcing thread is woven in a substantially parallel side-by-side abutting relationship with, and in the same weaving path as, the scrim tape.”

As discussed above, the Applicant submits that this feature patentably distinguishes the prior art of record.

Claim 36

The Applicant has added new claim 36. New claim 36 is based on previously pending claim 1 and has been amended to recite features similar to those of claim 19. More particularly,

claim 36 recites “wherein said scrim further includes reinforcing threads or reinforcing tapes replacing at least some of said scrim tapes, such that for each scrim tape replaced by a reinforcing thread or a reinforcing tape, the reinforcing thread or reinforcing tape abuts in a substantially parallel side-by-side relationship to the tapes on its adjacent sides.”

As discussed above, the Applicant submits that this feature patentably distinguishes the prior art of record.

Conclusion

In view of the foregoing amendments and remarks, the Applicant respectfully requests reconsideration and allowance of the pending claims. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

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<p>The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0843.</p>
